HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No. 10100 of 2007

Dated 16.07.2007

Between:

Kondaveeti Veerabhadra Rao.

…Petitioner

and

The District Collector and others.

…Respondents

HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No. 10100 of 2007

O R D E R:

The petitioner claims to be the owner of land, admeasuring Ac.6.47 cents, in Survey Nos.475/3 to 475/7, 476/1 and 476/2 of Bavvayipalem Village, Nidamarru Mandal, West Godavari District. The lands of respondents 4 to 6 are in the neighbourhood. Through proceedings, dated 10.12.1991, they were granted permission to establish fish tanks, on condition that they shall draw water from the Sangamkodu drain channel and let out the water into the same, after use. The petitioner contends that contrary to this condition, respondents 4 to 6 are drawing water from pipe No.48 of Chinakapavaram irrigation channel and thereby, affecting the inflow to his lands. He seeks a direction to respondents 1 to 3 to ensure that the conditions imposed in the proceedings, dated 10.12.1991, while according permission to respondents 4 to 6, are complied with.

On behalf of respondents 4 to 6, a counter affidavit is field. They state that no water is being drawn from pipe No.48 of Chinakapavaram irrigation channel and on the other hand, it is the petitioner, who is illegally drawing water from the drain, though he is undertaking agriculture.

Heard the learned counsel for the petitioner, the learned Government Pleader for Irrigation and the learned counsel for

respondents 4 to 6.

In the permission accorded to respondents 4 to 6, the first respondent contains as many as 13 conditions. Condition No.4 is to the effect that they shall draw water from Sangamkodu drain channel and let out the water into it, after use. Therefore, respondents 4 to 6 cannot draw water from the irrigation channel. The allegation of the petitioner that respondents 4 to 6 are drawing water from pipe No.48 of Chinakapavaram irrigation channel is denied. The same is taken on record. In case, no water is being drawn by respondents 4 to 6 from the irrigation channel, the very grievance of the petitioner stands redressed.

The Writ Petition is, therefore, disposed of, recording the statement on behalf of respondents 4 to 6 that they are not drawing water from Chinakapavaram irrigation channel and directing respondents 1 to 3 to ensure that the conditions imposed in the proceedings, dated 10.12.1991, while according permission to respondents 4 to 6 are complied with strictly. There shall be no order as to costs.

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16.07.2007

JSU